

REMARKS

At the outset, the Applicant wishes to thank Patent Examiner Victor S. Chang for the many courtesies extended to the undersigned attorney during the Personal Interview on August 26, 2009, at the U.S.P.T.O. The substance of this Personal Interview is set forth in the Examiner Interview Summary, and in this Amendment.

It is noted that claims 27 to 29 and 31 to 36 have been withdrawn from further consideration as being directed to nonelected inventions by the Patent Examiner.

There was a discussion during the Personal Interview as follows. The elected claim 37 was discussed with the Patent Examiner who stated the following. If "plastic" is deleted from the Markush Group of materials in claim 37, this would distinguish over the prior art reference *Duncan*. The Patent Examiner agreed that this amendment to exclude "plastic material" would overcome the prior art of record.

The Patent Examiner stated that this will change the scope of the claims and will require an additional search and a reconsideration. Because the present Patent Application is after a Final Office Action, it will be necessary to file a Request for

Continued Examination (RCE). Thus, an RCE is simultaneously filed herewith.

During the Personal Interview, the The Patent Examiner also indicated that the word "comprising" will have to be changed to "consisting of" in order to exclude the use of a plastic web. It will also be necessary to delete the numerals that refer to a "five layer" composite material.

In addition, three new dependent claims 38 to 40 are being added. Claim 38 is directed to "paper;" new claim 39, is directed to "metal foil;" and new claim 40, is directed to "non-woven fabric," all of which depend from elected independent claim 37. These claims are similar to claims 33, 34, and 35, respectively.

Claim 37 was amended so as to overcome the formal objections to this claim on Page 3 of this Office Action. Thus, the preamble of claim 37 was amended to recite: "A process for the production of a composite material (1) consisting of four layers with a plastic layer (4) that has release properties with respect to adhesives consisting of."

Also in the last paragraph of claim 37, the term "plastic" was inserted before "layer (4, 24)" so as to clarify the antecedent

basis.

In view of the above amendments to claim 37, withdrawal of this formal objection is respectfully requested.

On Page 3 of the Office Action, the Patent Examiner has rejected claim 37 under 35 U.S.C. 103(a) as being unpatentable over *Duncan* (U.S. Patent No. 4,626,460) and evidenced by *Janssen et al* (U.S. Patent No. 6,045,922).

The present invention is directed to a process for the production of a composite material (1) consisting of four layers with a plastic layer (4) that has release properties with respect to adhesives consisting of

locating materials producing the release properties within the plastic layer, wherein a first web (2) is provided in production of the composite material (1) on one side of which a layer of adhesive (3) is located, and said adhesive layer is always coextruded and directly bonded together with the plastic layer (4) with the release properties, which is in turn directly bonded to a second web (5); and

wherein said first web and said second web is selected from the group consisting of paper, metal foil, and non-woven fabric; and

providing the first web and the second web simultaneously in a spaced apart position; and extruding the adhesive layer (3) and the plastic layer (4) with the release properties between the two webs (2) and (5); and forming the bond directly with the two webs.

On Page 4 of the Office Action, the Patent Examiner states that for claim 37, *Duncan* is silent about the process step of "providing the first web and the second web simultaneously in a spaced apart-position; and extruding the adhesive layer and the plastic layer with the release properties between the two webs." However, *Duncan* allegedly teaches a label stock embodiment comprising four layers of polyolefin film/adhesive/release agent/polyolefin film, which reads on the first web/adhesive layer/releasable plastic layer/second web of the claimed invention.

On Page 4 of the Office Action, the Patent Examiner refers to "Official Notice" to reject claim 37. However, this is not a valid basis for rejecting a claim, wherein the prior art fails to teach specified process steps recited in a claim.

It is respectfully submitted that the Patent Examiner misinterprets *Duncan*. On Page 4 of the Office Action it is stated that *Duncan* teaches a label stock embodiment comprising four layers of polyolefin film/adhesive/release agent/polyolefin film.

Then it is stated in the Office Action that this embodiment is the first web/adhesive layer/release plastic layer/second web. A release agent has always to be bonded to a surface. There is no possibility of extruding a release agent standing alone. One difference between the present invention and *Duncan* is that instead of a release agent, a plastic material is used, which has release properties. Another difference is the process steps (spacing apart and extruding) as discussed above. *Janssen* fails to teach or to suggest the deficiencies in *Duncan*.

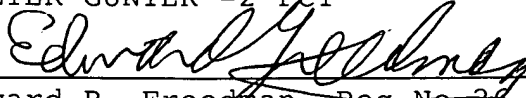
Limiting claim 37 so as to exclude "plastic" from the Markush Group of materials also further distinguishes over the prior art references.

For all of the above reasons, none of the references provide an identical disclosure of the claimed invention. Hence the present invention is not anticipated under 35 U.S.C. 102. Also, the present invention is not rendered obvious under 35 U.S.C. 103 by any combination of prior art references. Withdrawal of these grounds of rejection is respectfully requested.

In view of the amendments to the claims, it is firmly believed that the present invention and all the claims are now in condition for allowance. A prompt notification of allowability is

respectfully requested.

Respectfully submitted,
WALTER GÜNTER -2 PCT




COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576

Edward R. Freedman, Reg.No.26,048
Frederick J. Dorchak, Reg.No.29,298
Attorneys for Applicant

(516) 365-9802
ERF:lgh

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Tara Allen

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